

WARRINGTON TOWNSHIP  
Minutes of a Regular Meeting of the Township Planning Commission  
Held, pursuant to due notice, in the Municipal Building  
3345 Rosstown Road, Wellsville, PA 17365  
Wednesday, May 26, 2021, 7:00 PM

Presiding: Mr. Richard Bensel, Chairman  
Mr. James Barton  
Mr. Len Kotz  
Mrs. Carla Repman  
Mr. James Smedley

Staff Present: Attorney Shane Rohrbaugh, Solicitor  
Mr. Terry Myers, Township Engineer  
Rebecca Bradshaw, Township Secretary

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Mr. Kotz and seconded by Mrs. Repman to approve the minutes of the April 28, 2021 meeting. Motion carried.

SUBDIVISIONS/LAND DEVELOPMENT PLANS

Sarah E. Miller, 525 Lisburn Road. The plan proposes to subdivide the existing property at 525 Lisburn Road into 2 properties: Lot 2 (10 acres) and Lot 2A (57.72 acres). The lots are currently zoned Conservation and Rural Agriculture. The Proposed use for the lots has been identified as residential. Both lots have existing driveway access to Lisburn Road T-908 by means of a private street. This plan is considered a Minor Subdivision plan.

**Modification Requests:**

1. §402.B.33 – Submission of a Detailed Wetland Study
2. §403.b)10 – Plan scale
3. §506.l. – Construction Standards of Private Streets.
4. §514.d – Lots with Private Access.

**Subdivision and Land Development Ordinance:**

1. Existing significant natural or existing or proposed manmade features within the parcel and within four hundred feet of the area proposed to be subdivided or developed shall be shown. Significant features include watercourses, 100 year floodplains, flood hazard areas, tree masses, steep slopes, and wetlands delineated in accordance with the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” (January 1989) and other features of note (§ 402.b.33). The applicant is requesting a waiver of this section. The applicant shall identify the area of proposed construction, and provide a wetland report for that area. A note shall be added to the plans stating that prior to any earth disturbance outside that area, a wetland study must be completed.
2. Planning Module approval, for the use of on lot sewage disposal, shall be obtained from PA DEP. (§ 402.c.3).
3. The applicant shall provide the following information within the site data table: proposed linear feet of new private streets, proposed lot widths, and existing and proposed lot coverages (§ 403.b.4).

4. The location map provided on the cover sheet of the plans shall include the existing zoning boundaries, as well as be shown at a maximum scale of 1" = 1,000' (§ 403.b.5).
5. The plans shall be drawn at a scale of 1" = 10', 20', 30', 40', 50', or 100' (§ 403.b.10).
6. The applicant shall provide a copy of the existing easement agreement allowing for the use of the private street as driveway access to 525 Lisburn Road (§ 403.b.15).
7. The type and location of permanent reference monuments and markers for all new and existing lot corners impacted by the proposed subdivision shall be identified. A second concrete monument shall be proposed and set. (§ 403.b.19).
8. The exterior dimensions of all existing and proposed buildings shall be shown on the plans (§ 403.b.20).
9. The applicant shall include the certification with signature, seal, and date of the professional surveyor. (§ 403.b.22).
10. A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be subdivided and the land to be subdivided shown on the Final Plan is made with their free consent and it is desired to record the same (§ 403.b.27).
11. Note # 10 should be revised to indicate if any recorded protective covenants are proposed with this plan (§ 403.b.34).
12. The applicant shall provide proof of a Planning Module for Land Development approved by DEP (403.e.4).
13. Private streets shall be permitted only when such private streets conform to the standards and specifications for minor streets as set forth in this Ordinance; unless otherwise specifically permitted by this Ordinance or the Township Zoning Ordinance. Provisions dealing with existing substandard private streets are found in Section 514.d) of this Ordinance. (§ 506.i). The applicant is requesting a waiver of this section.

Any subdivision or land development plan, on which a private street is proposed, must be accompanied by a right-of-way agreement which shall be subject to the review and approval of the Township. This agreement shall be recorded with the office of the York County Recorder of Deeds on the same date as the recording of the Final Plan. This agreement must contain at least the following:

1. Identification of the entity with responsibility for the private street. This entity shall be principally composed of the owners of land which the private street serves.
  2. Provision for enforcing the agreement upon all parties of the agreement.
  3. Assurance that the street will be constructed and maintained in conformance with this Ordinance, and a method for assessing the maintenance repair cost.
  4. A note referencing the right-of-way agreement, as well as an offer of dedication of the streets to the Township, must be provided on the subdivision or land development plan.
14. Parcels of land existing as of June 5, 1985, which have their sole access by means of substandard private streets (i.e. not meeting the minor street standards set forth in the ordinance), will not be permitted to be subdivided for the creation of additional lots unless the private street is improved to conform to all standards and specifications for streets as set forth in this ordinance and provided such lots meet all applicable requirements of the Warrington Township Zoning Ordinance (§ 514.d). The applicant shall request a waiver of this section.
  15. The Final Subdivision Plan for Donald B. and Constance A. Hearn, approved on August 4, 1999, and recorded in Plan Book QQ Page 317 contains the note – Restrictions and /or Conditions Relating to Substandard Private Streets Serving Lots for Single Family Detached Dwellings. That note states that “ No farther subdivision of any of said lots allowed by the above schedule shall be permitted, unless and until said private street(s) have been constructed or improved to meet current Township minor street standards and

specifications and have been offer for dedication by the owners or purchasers of the lot and existing parcel as public streets of the Township.” Township Solicitor shall provide guidance on how to handle this.

16. The proposed revisions to the Township’s SLDO will require preliminary hydrogeologic studies for all subdivisions with three lots or more, or for subdivisions located within ¼ mile of a well that tested greater than 5 mg/l nitrate-nitrogen. However, the Department has determined that nitrate-nitrogen levels are consistently elevated in areas underlain by the Gettysburg Geologic Formation and the Heidelberg Member west of Old York Road and Carlisle Road (SR 0074). All proposed subdivisions and land development projects utilizing on-lot sewage disposal systems within these described geologic areas will be required to complete a Component 2 Planning module with a preliminary hydrogeologic study. For the rest of the Township, subdivisions and land development projects proposing on-lot sewage disposal systems within ¼ mile of a well that tested greater than 5 mg/l nitrate –nitrogen must also complete a Component 2 Planning Module with a preliminary hydrogeologic study. (Condition 2, 2-24-09 Letter from Pa DEP).
17. In addition to such filing fees, the developer shall pay the cost of:
  - Reviewing the land development plan and engineering details.
  - Inspecting the site for conformance to survey.
  - Preparing cost estimates of required improvements during installation.
  - Inspection of required improvements during installation.
  - Final inspection for completion of installation of required improvements.
  - Legal services necessary for the processing of the land development plan.

#### Modification Requests

Motion was made by Mr. Smedley and seconded by Mr. Bensel to recommend approve for requests for modification to Section 403.b.10 – Plan scale-plans should be drawn to a scale as noted in ordinance, Section 403.b.33 – Submission of a wetland study. Motion carried unanimously.

Motion was made by Mr. Kotz and seconded by Mrs. Repman to not recommend approval for a modification to Section 506.I – Construction standards of Private Streets and Section 514.d – Lots with Private Access. Motion carried with Mr. Barton opposing.

Motion was made by Mr. Kotz and seconded by Mr. Smedley to table action on the plan due to Engineer comments and not receiving York County Planning Commission comments. Motion carried unanimously.

James D Maclay, Pinetown Road. The plan proposes to subdivide Lot 10 (12.89 acres) and attach it to the lands of Ryan M. Maclay, subdivide Lot 8 (15.24 acres), Lot 9 (1.75 acres), Lot 11 (13.06 acres), and leave a residual Lot 1 (32.22 acres). The lots are currently zoned Rural Agriculture. The proposed use for the new Lot 9 has been identified as residential, with other lots remaining residential or agriculture. Lot 9 proposes driveway access to Pinetown Road S.R. 4031 by means of a private street. This plan is considered a Minor Subdivision plan.

#### **Subdivision and Land Development Ordinance:**

1. The applicant shall provide the following information within the site data table: existing and proposed land uses, existing and proposed lot coverages, the building setback lines shall be dimensioned on the plans, and the entire zoning boundary shall be shown on all sheets of the plans. The applicant shall also provide a table indicating each lot and the proposed use shall be shown on the plans (§ 403.b.4).

2. Regarding location maps.....“Such map shall show sufficient information to enable the Township Officials to locate the proposed land development such as but not limited to.....” In order to properly assess the parcel’s location in relationship to adjacent parcels and the nearby zoning boundaries, we want to see the zoning boundaries on the location map. That’s the “but not limited to” part. (403.b.5)
3. Existing and proposed driveway locations with required and available safe sight stopping distances shall be provided on the plans. (§ 403.b.15).
4. Clear sight triangles and safe sight stopping distances shall be provided at each street intersection and driveway access (§ 403.b.16).
5. The type and location of permanent reference monuments and markers for all new and existing lot corners impacted by the proposed subdivision shall be identified. Two concrete monuments shall be proposed and set. (§ 403.b.19).
6. The exterior dimensions of all existing and proposed buildings shall be shown on the plans (§ 403.b.20).
7. The applicant shall include the certification with signature, seal, and date of the professional surveyor (§ 403.b.22).
8. A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be subdivided and the land to be subdivided shown on the Final Plan is made with their free consent and it is desired to record the same (§ 403.b.27).
9. The applicant shall provide a signature space for the Township Sewage Enforcement Officer (§ 403.b.27).
10. If the developer proposes to impose restrictions on future lot owners by deed restrictions or covenants, the text of such provisions should be shown on or accompany the plan. (§ 403.b.34).
11. The applicant shall provide proof of a Planning Module for Land Development approved by DEP (403.e.4).
12. Minimum streets widths and right-of-ways shall be as follows (§506.a):

<b>Street Classification</b>	<b>Min. Right-of-Way Width</b>	<b>Min. Roadway Width (without curbs)</b>
Pinetown Road (S.R. 4031) (Minor Street)	50 feet	24 feet (plus 2 – 4’ shoulders)

In the case of a plan fronting on a public street of improper right-of-way width, the developer shall be asked to provide dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards as specified in section 506.a.

13. As an alternative to the requirement that land be dedicated for a recreation site, the Township may request the applicant to pay a fee in lieu of dedication for each proposed dwelling unit and \or lot on a subdivision or land development plan. (Section 523)
14. Provide an easement agreement for the 10’ wide gravel drive located on proposed Lot 9 commonly used by the adjacent property owners.
15. Deed recording information shall be provided to the Township within 60 days of subdivision plan recording, proving that Lot 10 was created and subsequently combined with existing lands of Ryan M. Maclay. (Section 312)
16. In addition to such filing fees, the developer shall pay the cost of:
  - Reviewing the land development plan and engineering details.
  - Inspecting the site for conformance to survey.
  - Preparing cost estimates of required improvements during installation.
  - Inspection of required improvements during installation.
  - Final inspection for completion of installation of required improvements.

- Legal services necessary for the processing of the land development plan.

Motion was made by Mr. Kotz to table the plan due to Engineer comments and not yet receiving York County Planning Commission comments. Motion carried unanimously.

Harry H Fox, Jr. Stone Jug Road. The plan proposes to subdivide an existing 23.77 acre parcel into two residential lots. Lot 1 – 13.63 acres and Lot 2 – 10.15 acres. Lot 1 will be consolidated with 3.32 acre Parcel 29G to create a new Parcel 29G equaling 16.95 acres. Lot 2 will be consolidated with Parcel 31A (to be purchased prior to plan recording and equals 0.30 acres to create a new Parcel 29C equaling 10.45 acres. Mr. Pat McKonly and Attorney Charles Suhr requested a waiver from DEP Planning Module requirements to reconfigure Lot 1 and Lot 2. Motion was made by Mr. Kotz and seconded by Mr. Smedley to recommend conditional approval of the request. Motion carried unanimously.

### BUSINESS

Zoning Ordinance rewrite. Mr. Tim Cormany, Martin and Martin, Inc, presented a memo summarizing work to date. Work includes changes to the updated Zoning Ordinance markup and the proposed Solar Energy Systems Ordinance and the proposed Wireless Communications Facilities Ordinance. Changes to the Zoning Ordinance include:

Agricultural Preservation. There was a lengthy discussion regarding agricultural preservation. The Planning Commission presented the idea of an overlay to create a new Ordinance Section called Agricultural Preservation Overlay Zone. Mr. Cormany said to change the Zoning Ordinance to include Agricultural Preservation, the Comprehensive Plan will need amended first. He will present his results for review during the next meeting.

### ADJOURNMENT

Motion was made by Mr. Kotz and seconded by Mr. Bensel to adjourn the meeting. Motion carried.

The meeting was adjourned at 9:25 PM.

Rebecca Bradshaw  
Township Secretary